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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,751	07/15/2003	James W. Hill	1004-P-1 (CIP)	8999
7590	10/04/2005		EXAMINER	
Gregory J. Nelson NELSON & ROEDIGER Suite 212 3333 E. Camelback Road Phoenix, AZ 85018			PREVIL, DANIEL	
		ART UNIT	PAPER NUMBER	2636

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/620,751	HILL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel Previl	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/15/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

Claims 1-11 are presented for examination.

### ***Claim Objections***

1. Claims 1-11 are objected to because of the following informalities: Claim 1, line 3, delete "the" before "time"; claim 8, delete "the" in line 4 before "date". Appropriate correction is required.

Claims 2-7, 9-11 are objected for the same reason since they depend from an objected claim.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Eschbach (US 5,097,253).

Regarding claim 8, Eschbach discloses a method of providing security for an area having an access member (fig. 1) comprising: locking access member with a security lock having indicator means which is interrupted at the time of locking, indicator means providing an indication of both the date and time of locking (fig. 1; col. 2, lines 12-20; col. 5, lines 20-27; col. 6, lines 3-17); recording indication (col. 6, lines 3-9); and checking indicator means at the time access

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member is to be operated in order to detect possible tampering (col. 6, lines 3-13).

Regarding claim 9, Eschbach discloses security lock is provided with a unique identification code which is also recorded at the time of locking (col. 6, lines 9-10 and lines 33-39).

Regarding claim 10, Eschbach discloses area is selected from the group consisting of warehouses, sea containers, truck trailers and storage areas (col. 1, lines 15-18).

Regarding claim 11, Eschbach discloses security lock includes an electronic timepiece and a shackle (fig. 1).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschbach et al. (US 5,097,253) in view of Patterson (US 3,779,589).

Regarding claim 1, Eschbach discloses a security lock for a closure having a locking member (fig. 1; abstract) lock comprising: a case (box 12) (fig. 1); an electronic timepiece in case having a display for displaying time and date

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and having a power circuit (fig. 1; col. 3, lines 24-33); means for interrupting power circuit engaged by closure member when closure is in locked position thereby providing a visual indication of the time and date on which lock was secured (col. 2, lines 12-20; col. 5, lines 20-27; col. 6, lines 3-17); means for permanently maintaining closure in closed position (col. 1, lines 61-65).

Eschbach discloses all the limitations above but fails to explicitly disclose a closure associated with case having an open position and a locked position in which closure is engaged in case.

However, Patterson discloses a closure associated with case having an open position and a locked position in which closure is engaged in case (fig. 4-fig. 5; col. 2, lines 63-67; col. 3, lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Patterson's open position in Eschbach. Doing so would modify Eschbach's system with Patterson's opening in order to accurately indicate an unauthorized opening thereby preventing the tampering of the case for the safety purposes as taught by Patterson (col. 1, lines 5-28).

Regarding claim 2, Eschbach discloses case and closure comprise a padlock-type lock and closure is a U shape shackle having an end engageable in a bore in case (fig. 1).

Regarding claim 3, Eschbach discloses case is fabricated for a tamper-resistant material (col. 2, lines 58-68).

Regarding claim 4, Eschbach discloses display is protected by a transparent tamper-resistant material (col. 3, lines 31-33).

Regarding claim 5, Eschbach discloses case is provided with a unique identification indicia (fig. 1; col. 6, lines 32-39).

Regarding claim 6, Eschbach discloses means for interrupting power circuit comprises a switch located in bore and engageably by shackle in locked position (fig. 1; col. 8, lines 1-3).

Regarding claim 7, Eschbach discloses means for permanently maintaining lock in a closed position comprises latch means engageable with closure (fig. 1; col. 1, lines 61-65).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fox et al. (US 6,865,515) discloses method and device for securely storing data.

Auerbach et al. (US 6,753,775) discloses a smart container monitoring system. Thorne et al. (US 6,747,558) discloses method and apparatus for providing container security with a tag.

Leon et al. (US 6,317,025) discloses programmable lock and security system therefor.

Haimovich et al. (US 6,281,793) discloses an electronic monitoring apparatus.

Citron et al. (US 5,515,030) discloses an electronic seal.

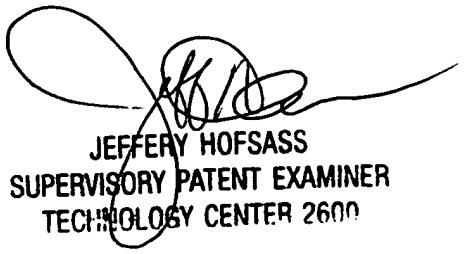
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl  
Examiner  
Art Unit 2636

DP  
September 29, 2005.

  
JEFFERY HOFSSA  
SUPERVISORY PATENT EXAMINER  
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